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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA, ) No. CR 3 - 05 - 71011 EDL  
18 Plaintiff, )  
19 v. ) [PROPOSED] SPEEDY TRIAL ORDER  
20 PATRICIA PINHEIRO, )  
21 Defendant. )

22 WHEREAS, PATRICIA PINHEIRO (“Pinheiro”) is charged in a criminal complaint with  
23 violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection  
24 Service;

25 WHEREAS, Pinheiro made her initial appearance on the aforesaid criminal complaint,  
26 before the Honorable Maria-Elena James, on February 13, 2006, and was released on a bond;

27 WHEREAS, the parties previously entered into a stipulation and order waiving time  
28 under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through June 30, 2006, in order  
to provide for effective preparation of counsel;

29 SPEEDY TRIAL ORDER  
30 [CR 3 05 71011 EDL]

1        WHEREAS, counsel for the government, AFPD David Fermino, resigned from his  
2 position with the Federal Public Defender in San Francisco and thereafter AFPD Ron Tyler took  
3 over representation of Ms. Pinheiro in early July 2006;

4        WHEREAS, government counsel was out of the office on extended family medical leave  
5 from mid-May 2–6 and continuing throughout June 2006 and on a limited schedule through mid-  
6 July 2006;

7        WHEREAS, due to the disruption in the schedules and staffing of both government and  
8 defense counsel, parties were unable to communicate about outstanding discovery issues and  
9 resolving the matter short of indictment until late July 2006;

10       WHEREAS, Mr. Tyler was out of the office and out of the District and unavailable to  
11 represent his client due to his unavailability from late July 2006 until late August 2006;

12       WHEREAS, Mr. Tyler has now requested, and the government has provided additional  
13 materials relative to his client's involvement in the offense and the parties have agreed in  
14 principle to a disposition of the matter via misdemeanor but Mr. Tyler requires additional time to  
15 consult with an immigration attorney, as Ms. Pinheiro has status as lawful permanent resident;

16       WHEREAS, government counsel will be out of the District from September 1 through  
17 September 9, 2006;

18       WHEREAS, the parties are agreeable to continuing the matter until Wednesday,  
19 September 13, 2006, at 9:30 a.m. for change of plea, with time being excluded between June 30,  
20 2006 and September 13, 2006, based on continuity of counsel and effective preparation of  
21 counsel, pursuant to 18 U.S.C. § 3161(h)(8)(A), (B).

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SPEEDY TRIAL ORDER  
[CR 3 05 71011 EDL]

1 THEREFORE, the parties now respectfully request and stipulate to continue the matter  
2 until Wednesday, September 13, 2006, for a change of plea in this matter, with time excluded  
3 between June 30, 2006 and September 13, 2006 on the basis of continuity of counsel and  
4 effective preparation of counsel, such that the ends of justice outweigh the best interest of the  
5 defendant and the public in a speedy trial.

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7 **IT IS SO STIPULATED.**

8 BARRY J. PORTMAN  
9 Federal Public Defender

KEVIN V. RYAN  
United States Attorney

10 /S/  
11 AFPD Ronald Tyler  
for Defendant Patricia Pinheiro

12 /S/  
13 Timothy Lucey  
14 Assistant United States Attorney

15 **IT IS SO ORDERED.**

16 Dated: 9-6-06

